

CAUSE NO. 21-10697-362**MUNIRA CHARANIA,**
Plaintiff§
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§
§

IN THE DISTRICT COURT

VS.

____TH JUDICIAL DISTRICT

WAL-MART,
Defendant

DENTON COUNTY, TEXAS

**PLAINTIFF'S ORIGINAL PETITION,
TRCP 193.7 NOTICE OF SELF-AUTHENTICATION AND
TRCP 194.2 REQUESTS FOR DISCLOSURE**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES MUNIRA CHARANIA, hereinafter referred to by name or as Plaintiff, and complains of **WAL-MART**, hereinafter referred to by name or as Defendant, and for cause of action would respectfully show unto the Court as follows:

I.
DISCOVERY CONTROL PLAN

1. Plaintiff intends that discovery be conducted under LEVEL 3 of RULE 190 of the TEXAS RULES OF CIVIL PROCEDURE.

II.
PARTIES

2. Plaintiff **MUNIRA CHARANIA** (SSN xxx-xx-x321) is an individual residing in Denton County, Texas.

3. Defendant **WAL-MART** is a limited liability company authorized to do business in the State of Texas and may be served with process through its registered agent, CT Corporation System, 1999 Bryan St., Ste. 900, Dallas, Texas 75201-3136.

III.
JURISDICTION & VENUE

4. This Court has jurisdiction over the parties because the amount in controversy is within the jurisdictional limits of this Court. Additionally, this Court has jurisdiction over the parties because Defendant **WAL-MART** is conducting business in the State of Texas.

5. Venue is proper in Denton County in this cause pursuant to § 15.002(a)(1) of the CIVIL PRACTICE & REMEDIES CODE because the incident which forms the basis of this lawsuit occurred in Denton County, Texas.

IV.
FACTS

6. On or about February 9, 2020, Plaintiff **MUNIRA CHARANIA** was a customer shopping at the Defendant Wal-Mart store #3198 located at 4025 Old Denton Rd., Carrollton, Texas 75007. As such Plaintiff was a business invitee to whom Defendant owed a duty of care to protect him from injury. As Plaintiff was on the way to checkout, Plaintiff slipped on blueberries causing severe injury to her body, as more fully set forth below. The unreasonably dangerous condition cause by the blueberries on the ground of the Defendant's premises proximately caused Plaintiff's injuries and the need for his subsequent medical treatment. Plaintiff **MUNIRA CHARANIA's** bodily injuries occurred as a direct result of a fall that was proximately caused by the dangerous conditions described above, which Defendant knew or, in the exercise of ordinary care, should have known existed.

V.
CAUSES OF ACTION AGAINST
DEFENDANT WAL-MART

A. *PREMISES LIABILITY*

7. On or about February 9, 2020, Defendant **WAL-MART** were in possession of the premises located at 4025 Old Denton Rd., Carrollton, Texas 75007, which forms the basis of this suit. The Plaintiff was a customer with Defendant's knowledge and for the economic benefit of Defendant. As such, Defendant owed Plaintiff a duty of ordinary care to adequately warn her of conditions on the premises posing an unreasonable risk of harm or to make the condition reasonably safe. However, Defendant breached its duty of ordinary care to Plaintiff by both failing to warn the Plaintiff of the dangerous condition and failing to make the condition reasonably safe. Defendant's breach of said duties proximately caused the injuries set forth herein.

8. Specifically, Defendant did not safeguard the premises as set forth hereinabove. Further, Plaintiff was injured because Defendant was negligent in:

- a) Failing to warn invitees, including Plaintiff, of the hazards of an unreasonably dangerous condition on Defendant premises.
- b) Failure to inspect the store entrance and properly maintain it;
- c) Allowing a dangerous condition to exist, so that Plaintiff would fall and be injured;
- d) Failing to provide for the safety of Plaintiff under the circumstances;
- e) Failing to warn invitees, including the Plaintiff, that the area in question should be approached with caution;
- f) Negligently maintaining the area in question in such a way so as to constitute a negligent activity;
- g) Failing to warn invitees, including the Plaintiff that this was a dangerous condition which required extra care to be taken while walking through that area;

h) Failing to maintain the premises in a reasonably safe condition for Plaintiff and other invitees; and

i) Failing to remove the dangerous condition or warn of its existence.

9. The Defendant's acts and/or omissions were negligence and the proximate cause of the incident and the Plaintiff's injuries and damages.

B. RESPONDEAT SUPERIOR

10. At all times material hereto, all the agents, servants, and employees for Defendant, who were connected with the occurrence made the subject of this suit, were acting within the course and scope of their employment or official duties and in furtherance of the duties of their office or employment. Defendant's agents, servants, and employees negligently permitted the dangerous food on the ground, negligently or willfully allowed such condition to continue, and negligently or willfully failed to warn Plaintiff of the unsafe condition of the store area. This condition existed despite the fact Defendant or Defendant's agents, servants, and employees knew or should have known of the existence of the condition and that there was a likelihood of a person being injured, as occurred to Plaintiff. Therefore, Defendant is further liable for the negligent acts and omissions of its employees under the doctrine of *Respondeat Superior*.

11. Each and all of the foregoing acts and/or omissions of the agents, servants, and employees for Defendant were negligent and constituted negligence and were each and all the proximate cause of the incident which forms the basis of this suit, and was a proximate cause of Plaintiff's injuries and damages.

**VI.
DAMAGES**

12. As a direct and proximate result of the collision and the negligent conduct of the Defendant, Plaintiff **MUNIRA CHARANIA** suffered bodily injuries as reflected in the medical records from the health care providers that have treated the injuries since the fall. The injuries may be permanent in nature. The injuries have had an effect on the Plaintiff's health and well-being. As a further result of the nature and consequences of his injuries, the Plaintiff has suffered and may continue to suffer into the future, physical pain and mental anguish.

13. As a further result of all of the above, Plaintiff has incurred expenses for her medical care and attention in the past and may incur medical expenses in the future to treat her injuries.

14. By reason of all of the above, Plaintiff **MUNIRA CHARANIA** has suffered losses and damages in a sum within the jurisdictional limits of this Court for which he now sues.

15. Plaintiff asserts that the amount of any monetary damages awarded to Plaintiff should be decided by a jury of Plaintiff's peers. However, RULE 47 of the TEXAS RULES OF CIVIL PROCEDURE requires Plaintiff to affirmatively plead the amount of damages sought. Pursuant to RULE 47 of the TEXAS RULES OF CIVIL PROCEDURE, Plaintiff seeks monetary relief **OVER ONE MILLION AND 00/100 DOLLARS (\$1,000,000.00)** and a demand for judgment for all the other relief to which Plaintiff is justly entitled at the time of filing this suit, which, with the passage of time, may change.

VII. **INTEREST**

16. Plaintiff further requests both pre-judgment and post-judgment interest on all his damages as allowed by law.

VIII. **DEMAND FOR JURY TRIAL**

17. Plaintiff **MUNIRA CHARANIA** demands a trial by jury. Plaintiff acknowledges payment this date of the required jury fee.

IX.
REQUEST FOR DISCLOSURE

18. Pursuant to RULE 194 of the TEXAS RULES OF CIVIL PROCEDURE, Defendants are requested to disclose, within fifty (50) days of service hereof, the information and material described in each section of RULE 194.2.

X.
NOTICE OF SELF-AUTHENTICATION

19. Pursuant to RULE 193.7 of the TEXAS RULES OF CIVIL PROCEDURE, Defendants are hereby noticed that the production of any document in response to written discovery authenticates the document for use against that party in any pretrial proceeding or at trial.

XI.
DESIGNATED E-SERVICE EMAIL ADDRESS

The following is the undersigned attorney's designated E-Service email address for all e-served documents and notices, filed and unfiled, pursuant to Tex. R. Civ. P. 21(f)(2) & 21a: mburke-svc@thomasjhenrylaw.com. This is the undersigned's only E-Service email address, and service through any other email address will be considered invalid.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that the Defendants be cited to appear and answer, and on final trial hereafter, the Plaintiff has judgment against the Defendants in an amount within the jurisdictional limits of this Court, together with all pre-judgment and post-judgment interest as allowed by law, costs of Court, and for such other and

further relief to which Plaintiff may be justly entitled by law and equity, including, but not limited to:

1. Pain and suffering in the past;
2. Pain and suffering in the future;
3. Mental anguish in the past;
4. Mental anguish in the future;
5. Past medical expenses;
6. Future medical expenses;
7. Physical impairment in the past;
8. Physical impairment in the future;
9. Future lost wages;
10. Pre-judgment interest; and
11. Post-judgment interest.

RESPECTFULLY SUBMITTED,

LAW OFFICES OF THOMAS J. HENRY
5710 HAUSMAN ROAD, SUITE 108
SAN ANTONIO, TEXAS 78249
PHONE: (210) 656-1000
FAX: (361) 985-0601



BY:

MICHAEL BURKE
STATE BAR NO. 24073979
*email: mburke-svc@thomasjhenrylaw.com
ATTORNEYS FOR PLAINTIFFS
*** service by email to this address only**



**Service of Process
Transmittal**

12/14/2021

CT Log Number 540737787

TO: KIM LUNDY- EMAIL
Walmart Inc.
GLOBAL GOVERNANCE/CENTRAL INTAKE, 2914 SE I STREET
BENTONVILLE, AR 72712-3148

RE: Process Served in Texas

FOR: Wal-Mart (Cross Ref Name) (Domestic State: DE)
WALMART INC. (True Name)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Re: CHARANIA MUNIRA // To: WALMART INC.

DOCUMENT(S) SERVED: Citation, Original Petition, Certificate

COURT/AGENCY: 362nd Judicial District Court of Denton County, TX
Case # 2110697362

NATURE OF ACTION: Personal Injury - Slip/Trip and Fall - 02/09/2020, Store #3198, at 4025 Old Denton Rd., Carrollton, Texas 75007

ON WHOM PROCESS WAS SERVED: C T Corporation System, Dallas, TX

DATE AND HOUR OF SERVICE: By Process Server on 12/14/2021 at 12:10

JURISDICTION SERVED : Texas

APPEARANCE OR ANSWER DUE: By 10:00 a.m. on the first Monday following the expiration of 20 days after service

ATTORNEY(S) / SENDER(S): Michael Burke
Law Offices of Thomas J. Henry
5710 Hausman Road, Suite 108
San Antonio, TX 78249
210-656-1000

ACTION ITEMS: CT has retained the current log, Retain Date: 12/14/2021, Expected Purge Date: 12/19/2021

Image SOP

REGISTERED AGENT ADDRESS: C T Corporation System
1999 Bryan Street
Suite 900
Dallas, TX 75201
877-564-7529
MajorAccountTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.



PROCESS SERVER DELIVERY DETAILS

Date: Tue, Dec 14, 2021
Server Name: Caleb Malone

Entity Served	Wal-Mart
Case Number	21-10697-362
Jurisdiction	TX



CITATION –TRC 99 and 106

COUNTY OF DENTON

CAUSE NO. 21-10697-362

TO: Wal-Mart, by and through its Registered Agent, CT Corporation System, 1999 Bryan St, Ste 900, Dallas, TX 75201-3136 (or wherever he/she may be found)

Notice to defendant: You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the first Monday following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may also be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Court:	362nd Judicial District Court 1450 E. McKinney, 3rd Floor, Denton, TX 76209
Cause No.:	21-10697-362
Date of Filing:	December 06, 2021
Document:	Plaintiff's Original Petition, TRCP 193.7 Notice of Self-Authentication and TRCP 194.2 Requests for Disclosure
Parties in Suit:	Munira Charania; Wal-Mart
Clerk:	David Trantham, District Clerk, 1450 E. McKinney, Suite 1200, Denton, TX 76209
Party or Party's Attorney:	Michael Burke 5710 Hausman Road, Suite 108, San Antonio, Texas 78249

Issued under my hand and seal of this said court on this the 8th day of December, 2021.

David Trantham, District Clerk
Denton, Denton County, Texas

BY: Paige Perkins, Deputy

Service Return

Came to hand on the _____ day of _____, 20____, at _____m., and executed on the _____ day of _____, 20____, at _____M by delivering to the within named _____ in person a true copy of this citation, with attached copy(ies) of the Plaintiff's Original Petition, TRCP 193.7 Notice of Self-Authentication and TRCP 194.2 Requests for Disclosure, at _____

Service Fee: \$ _____ Sheriff/Constable _____
County, Texas _____

Service ID No. _____ Deputy/Authorized Person _____

VERIFICATION

On this day personally appeared _____ known to me to be the person whose name is subscribed on the foregoing instrument and who has stated: upon penalty of perjury, I attest that the foregoing instrument has been executed by me in this cause pursuant to the Texas Rules of Civil Procedure. I am over the age of eighteen years and I am not a party to or interested in the outcome of this suit, and have been authorized by the Denton County Courts to serve process.

Subscribed and sworn to before me on this the _____ day of _____, 20____
Notary Public

Caleb Malone
PSC 1574 exp 10/31/2021
2021/12/14 12:10:23

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Michael Burke on behalf of Michael Burke
Bar No. 24073979
mburke-svc@thomasjhenrylaw.com
Envelope ID: 59735162
Status as of 12/7/2021 4:53 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Michael Burke		mburke-svc@thomasjhenrylaw.com	12/6/2021 11:39:58 AM	SENT

CITATION –TRC 99 and 106

THE STATE OF TEXAS

COUNTY OF DENTON

CAUSE NO. 21-10697-362**TO: Wal-Mart, by and through its Registered Agent, CT Corporation System, 1999 Bryan St, Ste 900, Dallas, TX 75201-3136 (or wherever he/she may be found)**

Notice to defendant: You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the first Monday following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may also be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

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Parties in Suit:	Munira Charania; Wal-Mart
Clerk:	David Trantham, District Clerk, 1450 E. McKinney, Suite 1200, Denton, TX 76209
Party or Party's Attorney:	Michael Burke 5710 Hausman Road, Suite 108, San Antonio, Texas 78249

Issued under my hand and seal of this said court on this the 8th day of December, 2021.

David Trantham, District Clerk
Denton, Denton County, TexasBY:  Deputy

Paige Perkins

Service Return

Came to hand on the _____ day of _____, 20____, at _____ m., and executed on the _____ day of _____, 20____, at _____ M by delivering to the within named _____ in person a true copy of this citation, with attached copy(ies) of the Plaintiff's Original Petition, TRCP 193.7 Notice of Self-Authentication and TRCP 194.2 Requests for Disclosure, at _____.

Service Fee: \$ _____

_____, Sheriff/Constable

_____, County, Texas

Service ID No. _____

_____, Deputy/Authorized Person

VERIFICATION

On this day personally appeared _____ known to me to be the person whose name is subscribed on the foregoing instrument and who has stated: upon penalty of perjury, I attest that the foregoing instrument has been executed by me in this cause pursuant to the Texas Rules of Civil Procedure. I am over the age of eighteen years and I am not a party to or interested in the outcome of this suit, and have been authorized by the Denton County Courts to serve process.

Subscribed and sworn to before me on this the _____ day of _____, 20____
_____, Notary Public

COPIES RETURN ATTACHED
AUSTIN PROCESS, LLC
809 NUACES
AUSTIN, TX 78701

AFFIDAVIT OF SERVICE

State of Texas

County of Denton

362nd Judicial District Court

Case Number: 21-10697-362

Plaintiff:
Munira Charania
vs.
Defendant:
Wal-Mart

For: Thomas J. Henry
Law Offices of Thomas J. Henry

Received on the 10th day of December, 2021 at 2:56 pm to be served on Wal-Mart by serving its Registered Agent, CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Dallas County, TX 75201, Caleb Malone, being duly sworn, depose and say that on the 14 day of December, 2021 at 10:35 A.m., executed service by delivering a true copy of the Citation and Plaintiff's Original Petition, TRCP 193.7 Notice of Self-Authentication and TRCP 194.2 Requests for Disclosure in accordance with state statutes in the manner marked below:

☒ CORPORATE SERVICE: By delivering a true copy of the listed documents with the date and hour of service endorsed thereon by me, to: George M. Muzz as in the presence of at 1999 Bryan St Suite 900, Dallas, TX 75201, and informed said person of the contents therein, in compliance with state statutes.

() NON SERVICE: For the reason detailed in the comments below.

COMMENTS: _____

I certify that I am over the age of 18, of sound mind, have no interest in the above action. I delivered the listed documents with the date of service endorsed thereon by me and informed the recipient of the contents therein, in compliance with state statutes. The facts stated in this affidavit are within my personal knowledge and are true and correct.

Subscribed and Sworn to before me on the 14
day of December 2021 by the affiant who
is personally known to me.

Beth Pallister
NOTARY PUBLIC



CP
PROCESS SERVER # DSC1574 CA/140/3/23
Appointed in accordance with State Statutes

Austin Process LLC
809 Nueces
Austin, TX 78701
(512) 480-8071

Our Job Serial Number: 2021009406
Ref: Charania vs. Wal-Mart

CAUSE NO. 21-10697-362

MUNIRA CHARANIA	§	IN THE DISTRICT COURT
	§	
VS.	§	DENTON COUNTY, TEXAS
	§	
WAL-MART	§	362ND JUDICIAL DISTRICT

DEFENDANT'S ORIGINAL ANSWER**TO THE HONORABLE JUDGE OF SAID COURT:**

COMES NOW, Walmart Inc. formerly known as Wal-Mart Stores, Inc. (incorrectly sued, proper entity is Wal-Mart Stores Texas, LLC), Defendant in the above-entitled and numbered cause, and files its Original Answer to Plaintiff's Original Petition, and would respectfully show the Court as follows:

I. GENERAL DENIAL

Defendant generally denies the allegations contained in Plaintiff's Original Petition, demands strict proof thereof, and says this is a matter for jury decision.

II. RULE 193.7 NOTICE

Pursuant to TEXAS RULES OF CIVIL PROCEDURE 193.7, Defendant provides notice that it intends to use Plaintiff's production of all documents, tangible things and discovery items produced in response to discovery in any pre-trial proceeding or at trial.

III. JURY DEMAND

Defendant further demands a trial by jury.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that upon final hearing hereof, Plaintiff take nothing by this suit, that Defendant recover its costs, and that Defendant have such other and further relief, both at law and in equity, to which it may be justly entitled.

Respectfully submitted,

COBB MARTINEZ WOODWARD PLLC

1700 Pacific Avenue, Suite 3100

Dallas, TX 75201

(214) 220-5210 (phone)

(214) 220-5299 (fax)

By: /s/ Stacy Hoffman Bruce

STACY HOFFMAN BRUCE

Texas Bar No. 24036793

sbruce@cobbmartinez.com

DANIEL A. ORTEGA

Texas Bar No. 24067808

dortega@cobbmartinez.com

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I certify a true and correct copy of this document has been forwarded to counsel for Plaintiff either by e-service, telefax, electronic mail, and/or regular U.S. mail on this 6th day of January, 2022:

Michael Burke

Law Offices of Thomas J. Henry

5710 Hausman Road, Suite 108

San Antonio, TX 78249

210.656.1000 / fax 361.985.0601

mburke-svc@thomasjhenrylaw.com

/s/ Stacy Hoffman Bruce

STACY HOFFMAN BRUCE

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Sandi Mallon on behalf of Stacy Bruce
Bar No. 24036793
smallon@cobbmartinez.com
Envelope ID: 60572909
Status as of 1/7/2022 2:57 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Michael Burke		mburke-svc@thomasjhenrylaw.com	1/6/2022 3:31:56 PM	SENT
Sandi Mallon		smallon@cobbmartinez.com	1/6/2022 3:31:56 PM	SENT
Stacy H.Bruce		sbruce@cobbmartinez.com	1/6/2022 3:31:56 PM	SENT